

# DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT



## APPROVED ISSUANCE OF DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT NO. DP16-0001 / DVP16-0002

**Issued To:** Kelowna Highway 97 / 33 Holdings Ltd. Inc No BC1003636  
**Site Address:** 2486 Highway 97 N  
**Legal Description:** Lot 1 DL 125 ODYD Plan 18724 Except Plans KAP78413 and KAP80632  
**Zoning Classification:** C9 - Tourist Commercial  
**Development Permit Area:** Revitalization Form and Character

### SCOPE OF APPROVAL

This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.

The issuance of a Permit limits the Permit Holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

### 1. TERMS AND CONDITIONS

THAT Development Permit No. DP16-0001 and DVP16-0002 for Lot 1 DL 125 ODYD Plan 18724 Except Plans KAP78413 and KAP80632, located at 2486 Highway 97, Kelowna, BC to allow the construction of a hotel and associated commercial units be approved subject to the following:

- a) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";
- c) Landscaping to be provided on the land be in accordance with Schedule "C";
- d) The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule "X":

**Section 14.9.5 (c)**

To vary the required minimum front yard setback from 6.0 m to 3.0 m as shown on the attached Schedule "A"

**Section 14.9.5 (d)**

To vary the required minimum front yard setback from 4.5 m to 2.25 m along the southern property line as shown on the attached Schedule "A"

**Section 14.9.5 (d)**

To vary the required minimum front yard setback from 3.0 m to 0.00 m along the northern property line as shown on the attached Schedule "A"

**Section 8.1.2**

To vary the required minimum number of parking spaces from 206 as prescribed by Table 8.1 to 184.

AND FURTHER THAT this Development Permit and Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

## 2. PERFORMANCE SECURITY

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permit Holder and be paid to the Permit Holder if the security is returned. The condition of the posting of the security is that should the Permit Holder fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permit Holder, or should the Permit Holder carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Permit Holder. There is filed accordingly:

- a) Cash in the amount of \$\_\_\_\_\_ OR
- b) A Certified Cheque in the amount of \$\_\_\_\_\_ OR
- c) An Irrevocable Letter of Credit in the amount of \$\_\_\_\_\_ .

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

## 3. DEVELOPMENT

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit that shall form a part hereof.

If the Permit Holder does not commence the development permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

**This Permit IS NOT a Building Permit.**

## 4. APPLICANT'S AGREEMENT

I hereby declare that all of the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit and/or Development Variance Permit, the Municipality may withhold the granting of any Occupancy Permit for the occupancy and / or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Divisional Director of Community Planning & Real Estate.

Should there be any change in ownership or legal description of the property, I undertake to notify the Community Planning Department immediately to avoid any unnecessary delay in processing the application.

**I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.**

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Signature of Owner / Authorized Agent

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Date

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Print Name in Bold Letters

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Telephone No.

## 5. APPROVALS

Issued and approved by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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Ryan Smith, Community Planning Department Manager  
Community Planning & Real Estate

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Date

**The PERMIT HOLDER is the CURRENT LAND OWNER.  
Security shall be returned to the PERMIT HOLDER.**



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# CITY OF KELOWNA

## MEMORANDUM

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**Date:** February 23, 2016  
**File No.:** Z16-0001  
**To:** Urban Planning Department (RR)  
**From:** Development Engineering Manager (SM)  
**Subject:** 2486 Highway 97 N                      Lot 1, Plan 18724                      C9 to C4

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The Development Engineering Department has the following comments and requirements regarding this application to rezone the subject property from C9 to C4 to accommodate the construction of a proposed Hotel.

The road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technologist for this project is Jason Ough

### 1. General

- a) These are Development Engineering comments/requirements and are subject to the review and requirements from the Ministry of Transportation (MOTI) Infrastructure Branch.
- b) This proposed subdivision may require the installation of centralized mail delivery equipment. Please contact Rick Ould, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC, V1Y 2K0 (250-763-3558 ext. 2008) to obtain further information and to determine suitable location(s) within the development.
- c) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement homes may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.

### 2. Geotechnical Report

Provide a comprehensive geotechnical report, prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below:

**NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.**

- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (ii) Site suitability for development.
- (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).

- (iv) Any special requirements for construction of roads, utilities and building structures.
- (v) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands.
- (vi) Recommendations for items that should be included in a Restrictive Covenant.
- (vii) Any items required in other sections of this document.
- (viii) Recommendations for erosion and sedimentation controls for water and wind.
- (ix) Recommendations for roof drains and perimeter drains.
- (x) Recommendations for construction of detention or infiltration ponds if applicable.

### **3. Domestic Water and Fire Protection**

- a) The property is located within the Rutland Water District (RWD) service area. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. The developer is responsible, if necessary, to arrange with RWD staff for any service improvements and the decommissioning of existing services.
- b) Boulevard landscape irrigation system, must be integrated with the on-site irrigation system.

### **4. Sanitary Sewer**

- a) The developer's consulting mechanical engineer will determine the development requirements of the proposed development and establish the service needs.
- b) The applicant will arrange for the removal and disconnection of one or both of the existing 150mm sewer services and the installation of one new larger service, if required, at the applicants cost. A maximum of one service will be permitted to this property.

### **5. Storm Drainage**

The developer must engage a consulting civil engineer to provide a storm water management plan which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan will include provision of a lot grading plan, identify minimum basement elevation (MBE), overland drainage routes, floodplain elevations and setbacks, and provision of a storm drainage service for the lot and /or recommendations for onsite drainage containment and disposal systems. The on-site drainage systems may be connected to the existing municipal drainage system in Highway 33 via an overflow service.

### **6. Road Improvements**

- a) Powick Road must be constructed to a full SS-R5 urban standard including curb and gutter, separate sidewalk on property line, piped storm drainage system, fillet pavement, street lights, and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction.
- b) The proposed Hotel triggers a traffic impact assessment. The applicant's transportation engineer shall contact the City's Transportation & Mobility group



who will determine the terms of reference for the study. Recommendations from the Traffic Impact Analysis (TIA) will become requirements of rezoning.

- c) The estimated cost of required road improvement works, for bonding purpose, must be determined based upon a design provided by the developer to be reviewed by the City of Kelowna and MOTI.

## **7. Road Dedication and Subdivision Requirements**

- a) The developer is required to dedicate roadway along Powick Road frontage in order to achieve a minimum 20m standard for Collector Right of Way width.
- b) The required TIA and input from the Ministry will determine the potential need for improvement to the existing channelization island and right turn lane and from Hwy 33 to Hwy 97. A subsequent design will determine how much disposable land is available at this location. The remaining property may be purchased by the developer and consolidated with the subject property.
- c) Grant Statutory Rights of Way if required for utility services.
- d) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager

## **8. Electric Power and Telecommunication Services**

All proposed service connections are to be installed underground. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost.

## **9. Design and Construction**

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Development Engineering Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

**10. Survey Monuments and Iron Pins**

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

**11. Other Engineering Comments**

- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- b) If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.

**12. Development Permit and Site Related Issues**

- a) Access and Manoeuvrability
  - (i) An SU-9 standard size vehicle must be able to manoeuvre onto and off the site without requiring a reverse movement onto public roadways.
  - (ii) Indicate on the site, the locations of loading bays as well as the garbage and recycle bins.

**13. Servicing Agreements for Works and Services**

- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

**14. Charges and Fees**

- a) Development Cost Charges (DCC's) are payable.
- b) Fees per the "Development Application Fees Bylaw" include:
  - i) Street/Traffic Sign Fees: at cost if required (to be determined after design).
  - ii) Engineering and Inspection Fee: 3.5% of construction value (plus GST).



# SCHEDULE A

This forms part of development  
Permit # DP16-0001

7

COMMERCIAL  
DEVELOPMENT  
HIGHWAYS 97N & 33W  
VICTORIA, BC

SCALE 1:200  
0 1.2 5 10 20m

- CITY PROPERTY
- EXISTING UTILITIES PAD
- EXISTING LIGHT STANDARD
- NEW 2.4m HT. FENCE
- LIGHT STANDARD
- SIGNAGE Pylon
- REVISION 30/03/16

HIGHWAY 33 W



HIGHWAY 97

SITE PLAN



CALNITSKYIO  
ARCHITECT



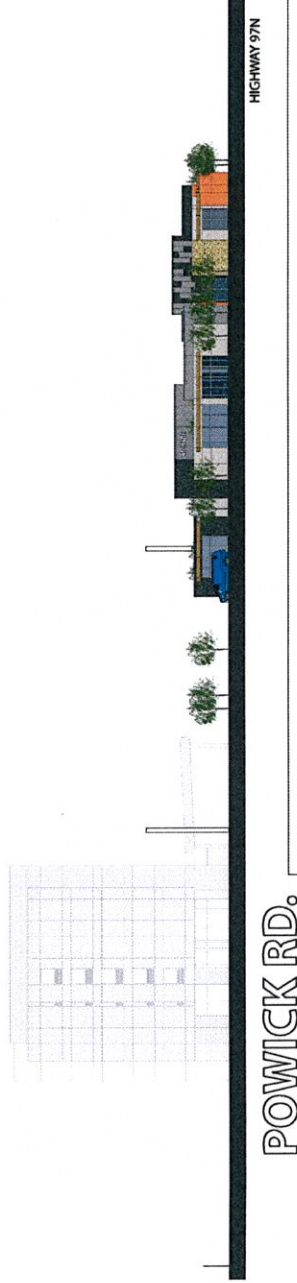
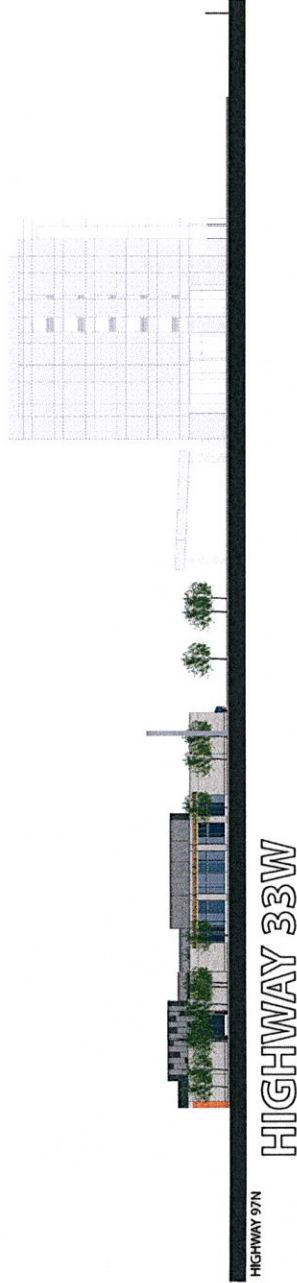
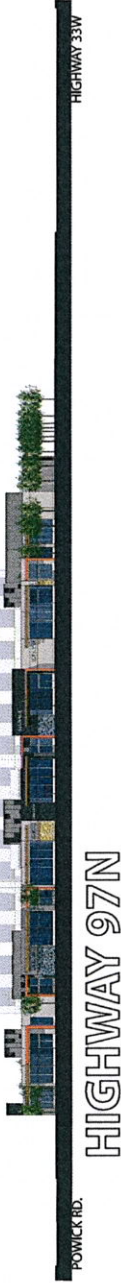
# SCHEDULE B

This forms part of development

Permit # M DP16-0001 AL

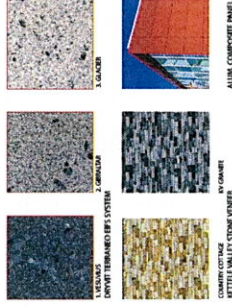
DEVELOPMENT  
HIGHWAYS 97N & 33W  
KELOWNA, BC

SCALE 1:200  
0 1 2 5 10 20m



MATERIALS PALETTE

ELEVATIONS



PREFIN. ALUM. PANEL  
TREATED WOOD CANOPY / SUNSHADES  
NATURAL ALUMINUM STOREFRONT  
KETTLE VALLEY STONE ACCENT WALL  
EFS SYSTEM - COLOUR 1  
EFS SYSTEM - COLOUR 2  
EFS SYSTEM - COLOUR 3

REVISION 16/05/16

CALNITSKYIO  
ARCHITECT



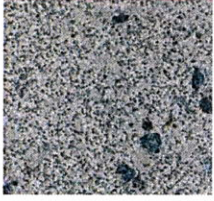


SCHEDULE B

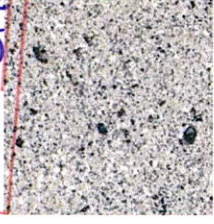
This forms part of development  
Permit # DP16-0001



1. VESUVIUS  
DRYVIT TERRANEO EIFS SYSTEM



2. GIBRALTAR



3. GLACIER



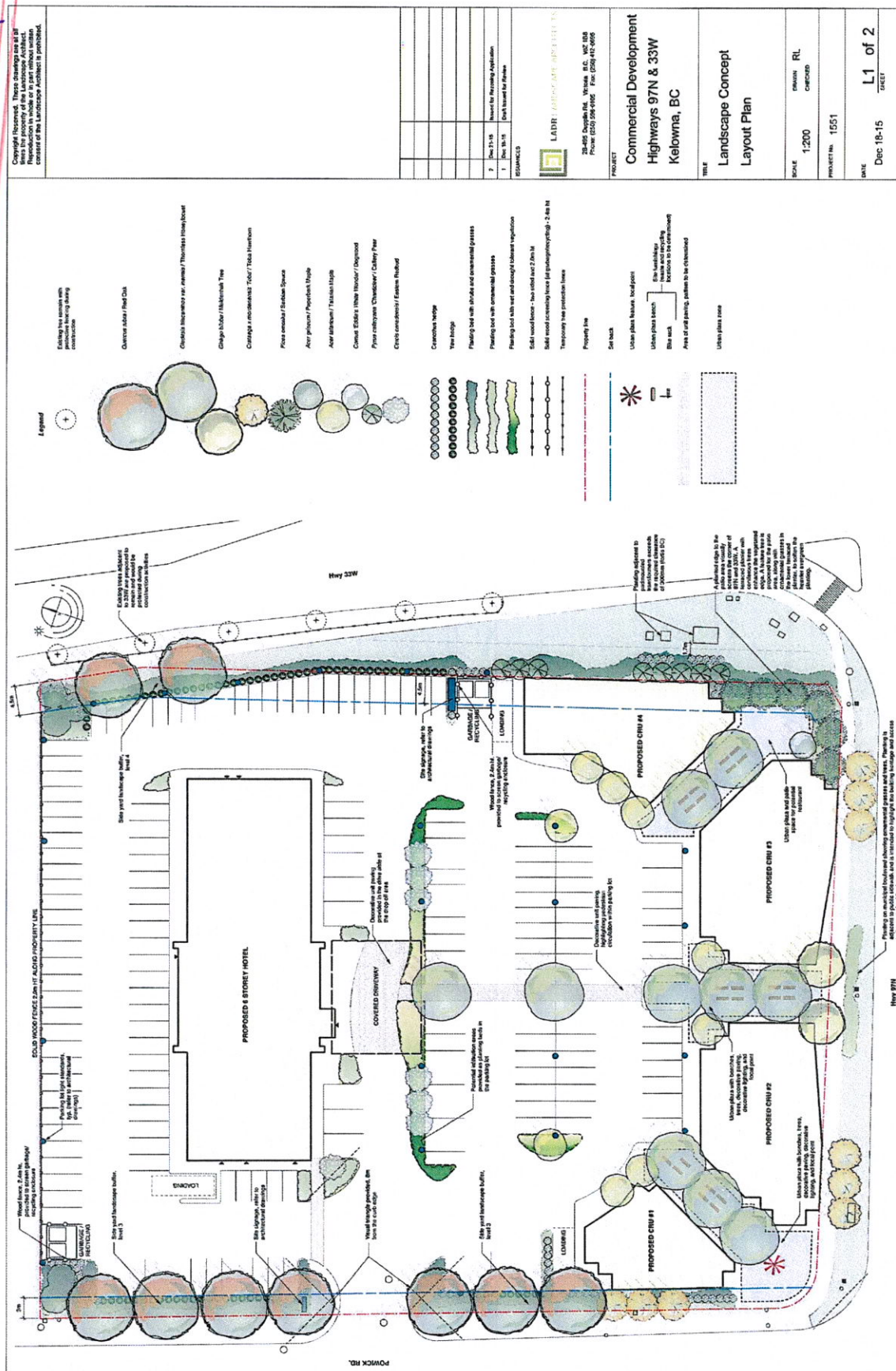
HOLIDAY INN EXPRESS, KELOWNA, BC

CALNITSKY ASSOCIATES | O  
ARCHITECTS | S



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This forms part of development Permit #

Permit # DP16-0001



# SCHEDULE C

This forms part of development Permit # **DP16-0001**

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## Recommended Nursery Stock

Trees	Species/Size	Quantity	Notes
Large Trees	Redwood 100cm DBH	1	For main entrance
Medium Trees	Redwood 75cm DBH	2	For main entrance
Small Trees	Redwood 50cm DBH	4	For main entrance
Large Shrubs	Redwood 150cm H	2	For main entrance
Medium Shrubs	Redwood 100cm H	4	For main entrance
Small Shrubs	Redwood 75cm H	8	For main entrance
Perennials, Annuals and Plants	Various	Various	For main entrance
Groundcover	Various	Various	For main entrance

Notes:  
1. All work to be completed to meet BCSA Landscape Standards.  
2. All work to be completed to meet BCSA Landscape Standards.

## Requirements for Landscape Buffers

The landscape design for the Commercial Development of 2400 Highway 97N includes the Landscape Buffer Treatment Levels for Commercial Development. The design includes a 10m wide buffer along the Highway 97N, a 5m wide buffer along the Highway 97S, and a 5m wide buffer along the Highway 97E. The design also includes a 10m wide buffer along the Highway 97W, a 5m wide buffer along the Highway 97N, and a 5m wide buffer along the Highway 97S. The design also includes a 10m wide buffer along the Highway 97W, a 5m wide buffer along the Highway 97N, and a 5m wide buffer along the Highway 97S.

Along Highway 97N  
The landscape design for the Commercial Development of 2400 Highway 97N includes the Landscape Buffer Treatment Levels for Commercial Development. The design includes a 10m wide buffer along the Highway 97N, a 5m wide buffer along the Highway 97S, and a 5m wide buffer along the Highway 97E. The design also includes a 10m wide buffer along the Highway 97W, a 5m wide buffer along the Highway 97N, and a 5m wide buffer along the Highway 97S.

Along Highway 97S  
The landscape design for the Commercial Development of 2400 Highway 97N includes the Landscape Buffer Treatment Levels for Commercial Development. The design includes a 10m wide buffer along the Highway 97N, a 5m wide buffer along the Highway 97S, and a 5m wide buffer along the Highway 97E. The design also includes a 10m wide buffer along the Highway 97W, a 5m wide buffer along the Highway 97N, and a 5m wide buffer along the Highway 97S.

Along Highway 97E  
The landscape design for the Commercial Development of 2400 Highway 97N includes the Landscape Buffer Treatment Levels for Commercial Development. The design includes a 10m wide buffer along the Highway 97N, a 5m wide buffer along the Highway 97S, and a 5m wide buffer along the Highway 97E. The design also includes a 10m wide buffer along the Highway 97W, a 5m wide buffer along the Highway 97N, and a 5m wide buffer along the Highway 97S.

Along Highway 97W  
The landscape design for the Commercial Development of 2400 Highway 97N includes the Landscape Buffer Treatment Levels for Commercial Development. The design includes a 10m wide buffer along the Highway 97N, a 5m wide buffer along the Highway 97S, and a 5m wide buffer along the Highway 97E. The design also includes a 10m wide buffer along the Highway 97W, a 5m wide buffer along the Highway 97N, and a 5m wide buffer along the Highway 97S.

Along Highway 97N  
The landscape design for the Commercial Development of 2400 Highway 97N includes the Landscape Buffer Treatment Levels for Commercial Development. The design includes a 10m wide buffer along the Highway 97N, a 5m wide buffer along the Highway 97S, and a 5m wide buffer along the Highway 97E. The design also includes a 10m wide buffer along the Highway 97W, a 5m wide buffer along the Highway 97N, and a 5m wide buffer along the Highway 97S.

Along Highway 97S  
The landscape design for the Commercial Development of 2400 Highway 97N includes the Landscape Buffer Treatment Levels for Commercial Development. The design includes a 10m wide buffer along the Highway 97N, a 5m wide buffer along the Highway 97S, and a 5m wide buffer along the Highway 97E. The design also includes a 10m wide buffer along the Highway 97W, a 5m wide buffer along the Highway 97N, and a 5m wide buffer along the Highway 97S.

Along Highway 97E  
The landscape design for the Commercial Development of 2400 Highway 97N includes the Landscape Buffer Treatment Levels for Commercial Development. The design includes a 10m wide buffer along the Highway 97N, a 5m wide buffer along the Highway 97S, and a 5m wide buffer along the Highway 97E. The design also includes a 10m wide buffer along the Highway 97W, a 5m wide buffer along the Highway 97N, and a 5m wide buffer along the Highway 97S.

Along Highway 97W  
The landscape design for the Commercial Development of 2400 Highway 97N includes the Landscape Buffer Treatment Levels for Commercial Development. The design includes a 10m wide buffer along the Highway 97N, a 5m wide buffer along the Highway 97S, and a 5m wide buffer along the Highway 97E. The design also includes a 10m wide buffer along the Highway 97W, a 5m wide buffer along the Highway 97N, and a 5m wide buffer along the Highway 97S.

Along Highway 97N  
The landscape design for the Commercial Development of 2400 Highway 97N includes the Landscape Buffer Treatment Levels for Commercial Development. The design includes a 10m wide buffer along the Highway 97N, a 5m wide buffer along the Highway 97S, and a 5m wide buffer along the Highway 97E. The design also includes a 10m wide buffer along the Highway 97W, a 5m wide buffer along the Highway 97N, and a 5m wide buffer along the Highway 97S.

Along Highway 97S  
The landscape design for the Commercial Development of 2400 Highway 97N includes the Landscape Buffer Treatment Levels for Commercial Development. The design includes a 10m wide buffer along the Highway 97N, a 5m wide buffer along the Highway 97S, and a 5m wide buffer along the Highway 97E. The design also includes a 10m wide buffer along the Highway 97W, a 5m wide buffer along the Highway 97N, and a 5m wide buffer along the Highway 97S.

Along Highway 97E  
The landscape design for the Commercial Development of 2400 Highway 97N includes the Landscape Buffer Treatment Levels for Commercial Development. The design includes a 10m wide buffer along the Highway 97N, a 5m wide buffer along the Highway 97S, and a 5m wide buffer along the Highway 97E. The design also includes a 10m wide buffer along the Highway 97W, a 5m wide buffer along the Highway 97N, and a 5m wide buffer along the Highway 97S.

Along Highway 97W  
The landscape design for the Commercial Development of 2400 Highway 97N includes the Landscape Buffer Treatment Levels for Commercial Development. The design includes a 10m wide buffer along the Highway 97N, a 5m wide buffer along the Highway 97S, and a 5m wide buffer along the Highway 97E. The design also includes a 10m wide buffer along the Highway 97W, a 5m wide buffer along the Highway 97N, and a 5m wide buffer along the Highway 97S.



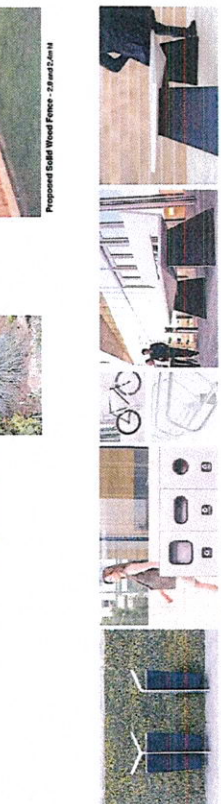
Proposed Trees



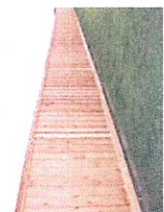
Proposed Large Shrubs - Hedgers



Proposed Perennials - Ornamental Grasses



Proposed Site Furnishings - Weather-resistant, like rocks, and benches



Proposed Solid Wood Fence - 2x4 and 2x6x4



LADRI Landscape Architecture  
2400 Highway 97N, Kelowna, BC V1Y 9B8  
Phone: (250) 860-0000 Fax: (250) 860-0001

PROJECT  
Commercial Development  
Highways 97N & 33W  
Kelowna, BC

DATE  
References and  
Information

SCALE  
n/a CHANGING RL  
CHECKED

PROJECT No. 1551

DATE  
Dec 18-15 L2 of 2  
SHEET